

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Roanoke Division**

TRAVIS WAYNE TOLLEY,
Plaintiff

v.

Civil Action No. 7:19-cv-00863

ALAN W. BUZZARD, BEN CALDWELL,
and GREG GARDNER,
Defendants.

MOTION TO DISMISS

Comes now your Defendant, Alan W. Buzzard (“Detective Buzzard”), by counsel, and moves the Court pursuant to Rule 12(b)(6) F.R.C.P. to dismiss Plaintiff, Travis Wayne Tolley’s, “Second Cause of Action” and “Third Cause of Action” in his Third Amended Complaint since they fail respectively to state claims of either a Fourth Amendment or a First Amendment Free Exercise of Religion claim under the United States Constitution actionable against your Defendant.

A brief in support of this Motion is filed this date.

WHEREFORE, your Defendant Alan W. Buzzard moves the Court to dismiss Tolley’s attempted Second Cause of Action under the Fourth Amendment and Third Cause of Action under the First Amendment with prejudice.

ALAN W. BUZZARD
By Counsel

s/Richard H. Milnor
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CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of November, 2020, I electronically filed the foregoing Motion with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

s/Richard H. Milnor
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